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STATE CAPITOL
PHOENIX, ARIZONA

October 6, 1967

DEPARTMENT OF LAW OPINION NO. 67-22 (R-106)

REQUESTED BY: Charles L. Tignor, Director
NARCOTICS ENFORCEMENT DIVISION
Department of Law

QUESTION: Are Narcotics Agents of the Narcotics
Enforcement Division peace officers
within the meaning of Arizona Revised
Statutes, and can they legally
exercise full police powers?

ANSWER: Yes.

The Legislature in 1967 established the Narcotic Enforcement Division as a part of the Department of Law and vested the agents thereof "with the same powers as other peace officers charged with the duty of law enforcement." (A.R.S. § 41-196).

"Peace officer" is defined in A.R.S. § 1-215 to mean sheriffs of counties, constables, marshals and policemen of cities and towns, unless the context of the statute otherwise requires. It is clear that in this state "peace officer" is a word of art, the meaning of which is controlled by statute.

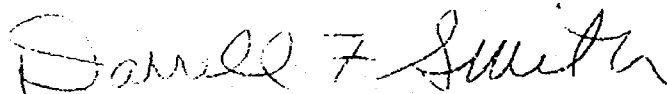
The Legislative technique of vesting state investigative officers with the powers of "peace officers" is not new. Examples are the Livestock Inspectors under A.R.S. § 24-261; game rangers and wildlife managers under A.R.S. § 17-211, as amended; the Supervisor of Inspection, his deputies, the State entomologist, his deputies, and the State quarantine inspectors, under A.R.S. § 3-444; the Superintendent of Motor Vehicles Division and his employees and officers that he designates under A.R.S. § 28-203; and the State Highway Patrol under A.R.S. § 28-231. This list is not exhaustive but it is merely illustrative of the established technique of the Legislature in providing state regulatory agencies with the power of "peace officers" to perform the regulatory task delegated to them by statute under the states police powers.

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It is our opinion that the intention of the Legislature is clear and that the statute is not uncertain or ambiguous enough to warrant the application of statutory construction. The Legislature intended that Narcotics Enforcement Agents be vested with the same powers as peace officers. This means that they have all the powers that a sheriff, constable, marshal or policemen of a city or town has under the state criminal code.

Therefore, the Narcotic Agents are "peace officers" and they may legally exercise full police powers. Both of your questions are answered in the affirmative.

Respectfully submitted,



DARRELL F. SMITH
The Attorney General

DFS:jb